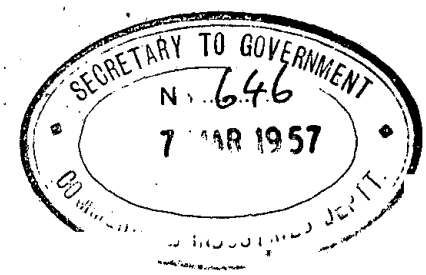
Confl

1955 **File No.** CIS 1553.

RH and BL. **DEPARTMENT** 991 Rev(CT)

& **BRANCH** dt 26/2/57

Subject:— Release of Iron and steel to Mrs. National Commercial Corp. Ltd. Belgaum



Karnataka Region
B Class.

157

Rev (CT)
To Supdt Industries
1/2/57

CONFIDENTIAL

File No CIS 1553.

Std. Scott. Slip 28—

2164—70,000—11-52—R2
G.R., G.D., No. 2408, dated 22-6-22.]

[Std. Sectt. 78A a.

respondence

DOCKET SHEET (B)

Subject :— Release of iron and steel to M/s National Commercial Corporation ~~Ltd~~ Belgaum

File No. CIS 155 3/64687

P.W. **DEPT.**

Q **BRANCH.**

References :—

Confl.

Date.	To whom sent.	Notes and instructions.

Calcutta Housing Deptt

EB

Submitted pp 5

with reference to Shri Goglia's letter pl dated 14-9-57.

The R.O. has in his letter pp 5 dated 5-11-57, explained the whole position regarding the use of steel released to Messrs National Commercial Corporation Belgaum. It will be seen that the party used 30 C.G.I. Sheets and 1.50 Rft of angles for a Cow Shed and 250 Rft of angles for other building centering & the terms of the permit under which steel was released & cl. The R.O. has therefore found the

papers to the Police for further action in the matter.

As the party has committed a breach of the provisions of the Town Street Control Order, this Court may be inclined in reply to this letter dated 14.5.57 that Court cannot interfere in the matter

Court
19.11.57.

I agree, but the party; accused informed him that the learning Asst of this various provisions in page 1-5 in particular this four cases in p. 4.

17/11/57

Labour and Housing Department,
E Br.

Resubmitted with ref. to U.S.'s note dt. 19/11/1951.

2. In his letter dt. 14/9/51, Shri B.M. Gogate has observed as follows :-

1) The National Commercial Corporation was given iron and steel materials for construction of a garage. After completion of the work of garage, a good deal of iron sheets and angles remained with it.

2) The Supervisor-in-charge Building Materials at Belgaum used to give materials to needy persons from its stock. He had issued about 2 such letters and the materials were accordingly delivered to the parties.

3) During the rainy season there was no protection for the cow from the rain. The Corporation therefore approached the Overseer-in-charge, Building Materials at Belgaum on 27th August 1948, and showed him the actual state of affairs and gave an application on that very date with a plan of the proposed cow-shed. He assured the Corporation that the matter would be treated as very urgent and that the reply would be given in about a week's or at the most a fortnight's time. Since it was raining heavily, instead of keeping the sheets in the room, they were spread over the frame without fixing them by screws. Some stones were also kept over the loose sheets. Similarly on 2-12-48, a letter was addressed to the Supervisor-in-charge of the Building Material to permit the use of some angles for the body building of trucks which were to be sent for urgent Government food-grain transport work.

4) The Supervisor, Building Materials, Poona, inspected the cow-shed on 12-12-1948 when the whole position was explained to him. He orally assured that he would send the necy. written permission immediately as the matter was a formal one and that the case was genuine. Relying on his words the loose sheets were fixed with screws, and a letter and statement of the used and balance of the materials were sent after 4 days of his visit. The quantity of materials used for cow shed and body building was clearly mentioned therein. A

5) A letter was received by the Corporation on 23/12/48 from the Poona Office, informing that the materials released for one work were used for another unauthorised work, and asking to furnish plans. The Corporation sent a reply on 1/1/1949 giving the required information. It was stated in the reply that the cow shed had been constructed in anticipation of sanction from Bombay Office.

6) In its letter dt. 10/2/1950 the Corporation gave a full reply pointing out all the circumstances, and made a request to condone the irregularity.

3. Shri Gogate has further put some queries in this connection as follows :-

(1) Was the department not supposed to acknowledge the letters dt. 27/8/48 and 2/12/48?

(2) Should they not have given replies to the applications either granting or rejecting my requests at least till today i.e. within 36 months?

(3) They asked the plans every time but never cared to take the action. Were we not naturally inclined to believe that the plans were asked for sanctioning them?

(4) Should they not accept their mistake that ~~there~~ their information disclosed that we had only

only 9 sheets while ~~th~~ we informed them that we had 161?

(5) Was it not their practice to sanction the urgent and deserving cases within a fortnight or a month ~~(vide Exs. 1 and 2)~~? Then why our case was not sanctioned in time and kept in records for months together without disposal? Did it lack any bonafides or works were not of an urgent nature?

He has finally stated that the cow-shed was built after applying to the proper authority and after the assurance that the plan would be sanctioned, as it was a mere formality. There was no intention of misusing the material.

4. The Rationing Officer (Iron and Steel) has not offered detailed remarks on all the above points, in his reply dated 5/11/51. He has only stated that the firms action in using sheets and angles for some other purposes than mentioned in the permit was irregular and amounted to an offence under clause 8 of the Iron and Steel Control Order. The R.O. has further observed that it is true that the firm had applied for using the materals for cow-shed and motor body building, but since the permission was not granted by this office, they ought not to have used the materils, in anticipation of a permission. The Supervisor, in-charge Iron and Steel Sub-Office, Poona, had informed the firm (vide his letter No.19/6844, dt. the 23/12/48) that the materials should not be used, sold or otherwise disposed off without the prior permission of R.O. (I&S). The contention of the firm, that they were verbally assured by the Supervisor, Poona. that permission would be granted, cannot be accepted, for merely a verbal assurance does

not mean the permission to use the materials.

5. According to the party's statement the party ~~no~~ made an application to the Overseer-in-charge Building Materials, Belgaum on 27/8/48 with plans of the proposed cow-shed, but no reply seems to have been given to the party for over three months till the inspection of the cow-shed on 12/12/48 by the Supervisor Building Materials, Poona, and the Poona Office informed the party on 23/12/48 that materials released for one work were used for another unauthorised work. In the meanwhile relying on the oral assurance of the Supervisor that "necy. permission would be sent soon," the party fixed the sheets on the cow-shed with screws. The R.O. has stated anything about this assertion of the party. The R.O. ~~my~~ may therefore be requested u.o. to offer full and detailed remarks on all the points mentioned in Shri Gogate's letter.

pm 29.11.57

Legal sec 1/12

1/12

Jayn

29/11/57

for to R.O. Bombay dt 30th Nov. 1957

THE PROVINCIAL IRON & STEEL RATIONING OFFICER, BOMBAY.
File No.
Inward No. G.1201
Date 3 DEC 1951

jm.27/11

7 23

Labour and Housing Department,
E Br.

Please see U.S's note dt. 19/11/51 and office note dt. 29/11/51. The R.O. has offered detailed remarks on the various points raised in office note of 29/11/51 in his note which is self explanatory.

2. It will be seen that the party was asked in September 1947 not to dispose of the balance materials or use them for any other purpose prior to the permission from the R.O. (Iron and Steel), Bombay. Inspite of this the party used the materials for Cow Shed before getting formal permission of the R.O. (Iron and Steel) for it. Attention is invited in this connection to paras 3 and 4 of Shri Gogate's letter dt. 14/9/51 wherein the circumstances under which the sheets were used for the Cow Shed have been mentioned. (The accompaniments to Shri Gogate's letter which were forwarded to the R.O. (Iron and Steel) have not been returned by him).

3. The R.O. has finally observed that the party ~~shall~~ should have taken written permission to use the material for Cow Shed though the work was urgent and bonafide, and ~~thinks~~ that the party's contention that it was carried out after applying to the proper authority and after the verbal assurance that the plans would be sanctioned, has no grounds of justification, especially when he was asked not to use the materials for any other work without prior permission. The R.O. therefore states that there is no sufficient justification to withdraw the case.

4. The party's action in using 30 sheets and 150 ft. of Angles for Cow Shed and 250 ft.

4

Angles for motor body building without obtaining formal permission of the R.O.(Iron and Steel) for the same, amounts to a breach of the condition of the permit under which iron and steel were released. The party may therefore be informed as proposed in office note dt. 612 19/11/51 that Government cannot interfere in the matter and the R.O. (Iron and Steel) may be asked to proceed further in the matter.

25-4-52

We must know whether the Supervisor confirms A on p. 14 or disowns it. If he confirms, he shd explain why he gave such hope.

RO has not answered B on p 15. If he admits B on p 15, would he have permitted the shed if he had received the appln? Why was there delay of months at the Poona-Belgaum end? A good case is made weak by such delays.

As for motor body building, there seem no excuse at all; CG I sheets & angles would never have been released for such purpose. Did Supervisor give any promise about it?

RO shd reply to the above within a fortnight.

NRD 25/4

~~Very Urgent~~

Immediate

Confl.

No. 601/48/14641 E

Q Bahrain & Muscat Depts

Dated: 26th April 1952

Subject: Release of arms & stores to M/s National Communal Corporation, Belgaum

Memo

The U.S.C. & the Richmond Office (Mr. L. Shah) Bombay and with reference to the correspondence ending with his No 2663-S dated 17-4-1952 on the above subject is invited to state as follows.

2. It has been stated in Shri Gopalji's letter dated 14-3-1952 that when the Superintendent Building Materials, Poona (Shri Nanjeppa) inspected the Cow Shed on 12-12-1948, the whole matter was explained to the Superintendent clearly and he assured that he would send the necessary written permission immediately as the matter was formal one and the case was genuine. The R.O should ascertain whether the Superintendent confirms this or disowns it. If the Superintendent confirms it then he should explain why he gave such hope.

3. No remarks have been offered on the query in Shri Gopalji's letter dated 14-9-1951 whether it was not the practice to issue arms and ammunition cases within a fortnight or

a month, and why his case was not considered in time to get it on record for months before the settlement disposal.

3. It has been stated in the R.O's memo of 1-4-48 that though the work was urgent and beneficial it was necessary to obtain a proper account of the ground before giving official sanction. While this is the case would the R.O have permitted the Shed if he had received the application, why (there was) a delay of 3 months at the Peons-Belgaum end? ~~He should be asked that such delays would not occur in future.~~

4. It is also stated in Shri Jogale's letter that a letter was submitted by them on 2-12-47 to the Supervisor in charge of Building Materials asking for permission to use some angles for the body building of trucks. The R.O should ascertain whether the Supervisor gave any permission about it. If so, they (once the Superintending Engineer) were aware that C.P.L. sheets and angles would never have been released for civil purpose.

5. The R.C. (Name & Station) is requested to submit his report on the above within a fortnight of the date of this memo.

By order etc

A.D.C.(H.Q.)
for Secy to Govt of Bombay
Labour & Housing Deptt

1.4.48

AS

dated 25/4/1952, that Govt. cannot interfere in the matter, and the R.O.(I&S) may be asked to proceed further in the matter.

17-5-1952

RO may be requested to discuss para 4 of his note with me.

VM175

For Secy
19/5

Secy

19/5

RO showed the papers to me. There has been no default on RO's part. It is the Co which failed to give plans & details asked for in clear terms by Supervisor Poona's letter of 23-12-48. That letter is in reply to the Co's letter of 2-12-48 referred to at A on p.4. That letter warned the Co not to use steel for body building of buses, & asked for plans of coaches which had already been erected in breach of the law - Para 6 of RO's letter at p. 28 is also important. There seems no doubt that having committed an offence or offences, Shri Gogte has now written the letter at pp. 1-5 in the spirit that aggressive tactics might frighten Govt.

As regards the coaches, it is a technical offence, since it would have been permitted if applied for

3T 14

in time. But as regards using steel for motor body building, this was in clear defiance of Poona Supervisor's letter of 23-12-48. The Police may therefore take necessary further action. No interference by Govt is called for & Shri Gokhale may be so informed.

HMD
29/5

Lol. Min for Housing.

2/6

HMD
3/6

15 No. 601 | 48 | 108149

P. WD

P. 57 Q.

Submitted with reference to G. L. No. 601 | 48 | 89345-Q dt 27.10.52.

2. Pl. see the foregoing letter from the R.O. (Y.C.S.) B'bay. Further report from him may be awaited.

20.11.52

for A.S (iv)

63 17

601/48/1317
P. Lyd.

'Q' Br

Submitted p 61 ante

2. A further report in the matter from the R.O. (I and S) may be awaited.

8-1-53

13.1.53

Supdt

ASH

Award
1/2/63.

13/M

19

P.W.D.
"Q"

Submitted.

2. The Controller of Iron and Steel and Cement, Bombay has forwarded the case papers regarding the misuse of the steel issued to the National Commercial Corporation, Belgaum. Permits for acquiring 6.30 tons of steel comprising of Angles, Flats & C.G.I. Sheets were issued in favour of M/S National Commercial Corporation for erection of a motor garage. The party used 514' of angles and 150 ~~lb~~ sheets for the garage. 150' angles & 30 sheets were used for erection of a cow shed and 250' of angles were used for body building of Truck contrary to the conditions of the permit. Remaining materials were sold by the party as directed by the Controller. The papers were therefore forwarded to the police for enquiry and further action by the Controller.

3. The report of the police will be found at slip 'A' of case papers below. It is stated in the report that the whole correspondence shows that there is an abnormal delay of about 4 years on the part of the Controller of Iron and Steel and Cement in directing Shri Gogte in one way or other regarding the utilisation of surplus quantity and that this attitude on the part of the Controller can be construed as an implied permission or consent to Shri Gogte to put some C.G.I. Sheets on the roof of the cow-shed. It is also stated that correspondence showed that Shri Gogte was willing to surrender surplus sheets etc. including those used for cow-shed. He therfore feels that no breach of any condition is occasioned. It is also stated in the report that the investigation shows that Shri Gogte kept the surplus stock with him for a long time without making any use of it and that it was only when no reply came from the deptt. that he put only some sheets on the roof of the cow-shed. It is held by the P.S.I.L.C.B.,

Belgaum.....

Belgaum that putting the sheets on the cow-shed cannot be construed as making use of the sheets since the surplus sheets were left with him and he was entitled to put them anywhere he liked. It is also stated that since he showed willingness to surrender the sheets on demand no offence is committed by him. B

4. The Police Procecutor, Belgaum agrees with the above remarks of the P.S.I. L.C.B.

× vide slip A grease papers

5. It may however be seen from the Supervisor I/C. Building Materials Poona's letter No. 19/4193, dated the 12.6.48 that the party acquired the materials prior to the acquisition of land on which the proposed structure was to be constructed. He therefore requested the party not to use the materials for any other work which was not approved by the Controller.

© slip B' do-

The party constructed the garage by utilising a part of the steel issued and thereafter asked the permission to use a part of the surplus quantity for cow-shed vide their letter dated the 27.8.1948. They also asked permission for use of 250 ft. angles for body of their two trucks. On 23.12.48 the Supervisor I/C Building Materials, Poona sked the party to send him a copy of the plan of the garage as sanctioned by the Controller and of the garage as constructed, showing the original site and the one where it is actually built stating whether they have got the approval of the Controller for the structure actually constructed. The party was also requested not to lend or sell or use any materials for the body building of trucks or any other work without prior written permission in the matter of the Controller. On 1st January 1949 the party replied that the plan approved by the Controller has been misplaced and alsothat the cow-shed has been constructed in anticipation of the sanction. Inspite of 'C' above the cow-shed was constructed and also 250 ft. angles were used for body building of trucks. The explanation of the party for this misuse is that they waited for permission but no reply was received oney way or the other C

(D) slip C' do-

§ slip D' do-

* slip E-do-

× slip F

and.....

and therefore the materials were diverted for cow-shed and body building of trucks in anticipation of sanction in good faith. Though 'A' on page 67 ante is partly true, M/S National Commercial Corporation is also to be blamed for acquiring the materials before acquiring the land on which the proposed structure was to be erected and also in acquiring steel in excess of their requirements. (This was the result of the departure from the approved plan). It may also be stated that the party was informed in clear terms not to use the steel for unauthorised structures etc. In this connection attention is also invited to Secretary's note dated the 29.5.52 at pages 33-34 ante.

6. 'B' at page 68 ante does not appear to be correct. Presumably, when Shri Gogte found that he was being prosecuted for the misuse, he might be now willing to surrender the material used for cow-shed.

7. In view of what is stated above and in view of Secretary's note at pages 33-34 ante the R.L.A. may perhaps be requested to advise whether the present case is fit for prosecution.

S. G./16-5-53.

19/5/53

20/5

20/5.

U.O.R. to the R.L.A., d. the 26-5-53, with case bks.

LEGAL DEPARTMENT
27 MAY 1953

THE SECRETARY TO GOVERNMENT
LEGAL DEPARTMENT
File No. 12674-G-558
29-5-53
Subject A
28-5-53

Q Br

97

CIS/533/81606

PWD

Submitted for information.

2. The main papers in the matter have been referred vide letter R.L.A. on 27/5/83. The R.L.A. was reminded on 18/6/83. We may await the return of the main papers from the R.L.A. The R.L.A may be expected again by post Express Letter as per draft put-up.

27/7/83

27/7

QBr

CIS 1553/91720

PWD

p 71-75 ante

Submitted

2. These papers pertain to the misuse of steel issued to the National Commercial Corporation, Belgaum for erection of a motor garage. The case was investigated by the Police and the Police report will be found at flip 'A' of case papers below. The Police maintain that the disposal of the balance quantities of steel by Shri Ghali of National Commercial Corporation, Belgaum was bona fide and was done in anticipation of permission from the then RO. (DS), Bombay. The Police Prosecutor also opined that the case will not stand and that the case may be reported for C summery. In view of O. note dated 19/5/53, the papers were referred also to the R.L.A. with a request to advise whether the present case was fit for prosecution. The R.L.A after scrutiny of the case has opined That the case is fit one for filing a prosecution although as stated by Secretary the use of iron for cow shed is likely to be held by the court to be technical offence. In the circumstances the case papers may be returned to the Controller with an intimation that Govt. is advised that the case against the National Commercial Corporation, Belgaum is fit for filing

* Flip 'A' case papers below

p 67-69 ante

p 71-75 ante

p 33-34 ante

filing prosecution. He may also be ~~requested~~ asked to instruct the Police authorities to arrange for prosecution and intimate the result of the case to him in due course. It is for orders whether a copy of the R.L.A.'s opinion No. G. 461, dt. 4-8-53 (p 71-75 ante) should be forwarded to the Controller for information.

Sd
12/8/53

margin
Sd
12/8

Sd
13/8.

Sd
14/8

Sd
14/8

Sd
14/8

Sd
17/8

17/8/53

C1515S3/91720
P.W.D.

Submitted with a draft for approval. (p 71-75 ante)

It is presumed that a copy of the R.L.A.'s opinion No. G.461, dt. 4-8-53 should be forwarded to the Controller for information.

Sd
20/8/53

Sd
21/8

Sd

QBr

27

CIS1553/91720

PWD

The Controller of Iron and Steel and Cement, Bombay has been expedited under No. CIS553/91720Q, dated the 21st Oct. 1953

21/10/53

21/10/53

Supdt

ISSUED
21/10

4 SS
21/10
11

Received (10-11-53)

22/10

CIS 1553/64681

P.W.D

Q.82

After Consultation with Legal Deptt. it was decided that the case against M/s National Commercial Corpn. for breach of clause 8 of Iron and Steel (Control of Production and distribution) Order, 1941, was fit for prosecution and the Controller was, therefore, asked to arrange for prosecution vide G.L. No. CIS 1553/91720 Q, dated the 26-8-53. p. 61 c/s

The Controller now informs that the case was decided by the Court of Resident Majistrate, 1st class, Belgaum on 30-3-54 & the accused was discharged. p. 71 c/s

The Controller states that a copy of the Courts' order and Police Prosecutor's opinion has been called

forward report will be submitted to Govt.

2. The party had used (used) iron and steel materials for constn. of a cow shed and motor body bldg without permission.

KM 29/5/54 3. Further report from the Controller may be awaited

Secy.

Secy. WPD 4/6

Asst. 1-7-54 5/6

CIS 553/>8346

P.W.D

Q.R.

Submitted for information.

KM 25/6/54 2. Further report from the Controller may be awaited.

Asst. 21-7-54

25/6/54

7/7

7(II)

Q Br

30

The controller of Iron and Steel and cement expeditor under No CIS1558/78546 Q dt) -8-54

6/8/54

Supt

KSR 6/8/54

ISSUED
Date.....

Asst 7/8/54

9/8/54

Q Br

Submitted for information.

Await.

17/9/54

KSR 17-9-54

Supt

Asst 17.9.54

17/9/54

QBr

C1S1553/131504

P.W.D

Submitted for information

2. Further report from the Controller of Iron and Steel and Cement, Bombay, may be awaited

6/11/54

6/XI/54

Asst

Asst

7-11-54

C1S1553/131504

QBr

The Controller of Stores, Bombay has been requested vide No. C1S1553/131506 Q. R. 16 NOV. 1954.

16.11.54

16-12-54

17/11

Received Date 17/11/54

32

C1S1553/156884
P.W.D.

Q.Br

1:79 45

Submitted for information.
Await

27-11-54. 27-11-54

16/12/54
27/11

27/11
13/12

C1S1553/156884
P.W.D.

QBr

The Contractor of M/s Indo Steel and Cement, Bombay has been expedited under No. C1S1553/156884 Q. dt. 31 Dec 1954

29/12/54

31-12-54 Br
Await till 31/12/55 31/12/55
31/12/53

31/12 Supdt

QBr

CIS 1553/4303
PWD

bs/cls
Submitted for information
Avail

11/1/55

12/1/55

Supdt

Wd till 3/2/55
12/1

CMG
4/2

QBr

The contract of Iron and Steel and Cement, Bombay has been expedited under No. CIS/1553/4303 Q. dt 8th Feb. 1955

7/2/55

7/2/55

7/2/55 Supdt.

Asst (S)/3

P.T.O

CI 51553/36459

Q Pr

P 83 c/s

Submitted for information

Await.

22/2/55

22/2/55.

Q Pr

128 c/s

Submitted for information.

Await.

16/3/55

16/3/55.

CI CI 553/36459 Pr 22/2/55

PWD

22/2

Q Pr

Case Controller of Arm and Steel and Cement, Rly A.S. (IV)

has been expedited under No. CI 51553/36459 Q dt. 14 April 55

14/4/55

14/4/55

Awt 15/7

Awt 16/3 Supdt 14/4/55

CIS/553/59572
P.W.D.

p 89-90 cls

Copy of the Judgment along with the opinion of the Police Prosecutor in respect of the misuse of Inm and Stud by M/s National Commercial Corporation, Belgaum is submitted for information.

p89-90 cls

2. Para 1 of the Judgment gives a short history of the case. It may be seen from the copy of the judgment that the case failed because the Courtmen did not give decision either way in respect of the application of the party to use of Stud to cow shed and motor body building.

3. It is seen from the proceedings p 61-62 cls underlying R.L.No. CIS/553/91720A. of the 26-8-55 that the prosecution was recommended by the Dy.C. on the advice of the R.L.A. vide his opinion at pages 53 cls.

4. The Police Prosecutor has now opined p92 cls that no useful purpose would be served by going in Revision against the order of the acquittal. In the circumstances before closing up the case these papers may be shown to the R.L.A. for information.

A/

As at A.

We may also ask the Courtmen to why action may be taken by him vide Lr. 'B' at p. 90 cls in line with the D.O.Lr. to the R.L.A. dt. 10-5

SECRETARY TO GOVT. OF MYSORE
LEGAL DEPARTMENT.
File No. 560/Cont/55
Sub No. 11-5-55
Branch

9/5/55

Dsd 10/5

9/5

Dr. 11/5

37

Legal Department.

Seen and returned.

G.S.Pandekar
31.5.1955

Joint Secretary to Government.

U.R. to P.W.D. No. 658/R-1. dated the 30 May 1955.

hsp/31/5 Q2/6

P. W. D.
File No. CIS1553
Serial No. 72181

Q Pm

CIS1553/72181
PWD
b95 cfs

Submitted
2. The R&A having seen the draft as per 'A' on page 35 with ~~suggestions~~ put-up may now issue.

9/6/55

7/6/55

Q2-6-55

A.S.(IV).

Q Br

The Controller of Iron and Steel and Cement, Bombay has been expedited under No. C1S/553/721S1Q, dt 9th July 1955

8/7/55

8/7/55

Issued 9/7/55

Sup R.

R.H. < B.C.D

Q Br -

Submitted w.r. to Q.M. dt 13-6-55. P.101-C/S.

2. Pl. see Controller's reply dt 16-7-55. P.103-C/S

Attention is also invited to Secy.'s remarks at p. 13 ante.

The question reg. the alleged delay in replying to the party was examined in the past. Hence no further action remains to be taken on that point. The copy of Judgement may be returned to the Controller. Draft is put up. P. 117-C/S

8/7/55

9/8/55

LABOUR & HOUSING DEPARTMENT
FILE NO. 601/48
DATED 17.9.57
SERIAL NO. 38112
From E

B.M.Gogte,
Proprietor, National Commercial Corporation,
1145, Anant-Shayan Lane,
BELGAUM

To

The Secretary to the Government of Bombay,
Labour & Housing Department,
Secretariat, BOMBAY.

Sir,

Recently the Sub-Inspector of Police, Belgaum City, informed me that he had received instructions from the Bombay Iron & Steel Rationing Officer to prosecute me as the materials released to us for one work were used for another unauthorised work. In this connection he instructed me to give ~~kk~~ him my statement.

The facts of the case are :-

We were given materials for construction of a Garage. After its completion, a good deal of iron sheets and angles remained with us unused

2 It was the practice of the Supervisor-in-charge Building Materials at Belgaum to give materials to needy persons from our stock. He had issued about 2 such letters and the materials were accordingly delivered to the parties.

3 It was a rainy season and our cow was actually shivering since there was no protection from rain. We, therefore, approached the Overseer-in-charge, Building Materials at Belgaum on 27th August 1948, and showed him the actual state of affairs and gave an application (Ex.3) on that very date with a plan of the proposed cow-shed. He assured us that the matter would be treated as very urgent and that the reply would be given in about a week's or at the most

from Bombay Office the cow-shed had been constructed. It was shown and personally explained to you. It may please be noted here that we could have added in our reply that as orally permitted by you we had completed the shed but we thought that it was not fair on our part to put on record his oral assurance. We did this with the hope that ultimately he would do the needful. In Para 4 of that letter we have stated, "In this connection, we would like to bring to your notice that we have never sold a single inch of the material in the past nor shall we do so in future, without the permission from your department. We are eager to return the materials, as we like you, also desire that they should be used by persons who need them urgently. We are sure, you will appreciate our sincerity in the matter. In the statement enclosed with this letter we had shown the materials used for cow-shed and body building.

9 By his letter Ex. 9 dated 22-8-49, Bombay Office wrote to us that from report received from their Poona Office we had only 9 Nos. of sheets in balance and that we should deliver them to one Mr. V.V. Deshpande. It is surprising to see when we had informed that we had 161 sheets, they write to us that we had only 9.

8 Once again the Bombay Office, by their letter Ex.No.10 dated 10-11-49, ask us to give information and statement.

9 Our letter, Ex. 11, dated 10-2-50, gave an exhaustive reply pointing them out all the circumstances and finally requested them to condone the irregularities.

10 Their last letter, Ex. No. 12 dated 24-3-50 instructed us to deliver the balance of materials to National Ice & Cold Storage. We did that accordingly and informed them by our letter, Ex. No. 13, dated 8-6-50.

Sir, the charge against us is that we used the materials for the cow-shed without their prior written permission and rendered ourselves technically liable. As a person who has behaved very honestly and surrendered the materials so that the needy ones should get them, am I not justified in approaching you with a request to see what the other side (the Department) has done in this case ?

(1). Was the department not supposed to acknowledge my letters dated 27-8-48 and 2-12-48, Exs. Nos. 3 and 4 ?

(2). Should they not have given replies to the applications either granting or rejecting my requests at least till today i.e., within 36 months ?

(3). They asked us our plans every time but never cared to take the action. Were we not naturally inclined to believe that the plans were asked for sanctioning them ?

(4). Should they not accept their mistake that their information disclosed that we had only 9 sheets while we informed them that we had 161.

(5). Was it not their practice to sanction the urgent and deserving cases within a fortnight or a month (Vide Exs. 1 and 2) ? Then why our case was not sanctioned in time and kept in records for months together without disposal ? Did it lack any bonafides or works were not of an urgent nature ?

We built the cow-shed after applying to the proper authority and after the assurance that the plan would be sanctioned, as it was a mere formality. We had no intention of misusing the material. Our honesty and sincerity can be seen throughout the correspondence. No doubt, we ought to have built the shed after getting written permission. But we did it to save the shivering cow from rain and because we were led to believe that such written permission would follow. The department too

has committed mistakes for which I am supposed to be prosecuted. If we would have been informed in time, we would never have proceeded with fixing the loose sheets with screws. We are prepared to pull it down if permission is not given.

We humbly beg to approach you with a request to withdraw the case againhst us, looking to our intentions and behaviour and the faults of the department.

Thanking you,

Yours faithfully,

Belgaum,
14th September 1951

Copy with compliments to the District Superintendent of Police, Belgaum, with a request to keep the matter pending till the decision of this application.

Copy with compliments to the Sub-Inspector of Police, Belgaum City.

49

P.O.P.—(J) R 306—30,000—3-51—X (DEPARTMENT.

LABOUR & HOUSING DEPARTMENT.
FILE NO. 601/48
E DATED 5-11-51
SERIAL NO. 44473

No. BOM/LA-447/4482

OFFICE OF THE
RATIONING OFFICER (IRON AND STEEL),
MILITARY HUTMENTS, ESPLANADE MAIDAN
BOMBAY-1, 5th Nov., 1951

FROM

THE RATIONING OFFICER (IRON AND STEEL)
BOMBAY;

The Secretary to the Government of Bombay,
Labour and Housing Department,
Bombay.

Sub.:- Release of Iron and Steel in favour of Messrs National Commercial Corporation, Belgaum.

Sir,

.....

With reference to the Government Labour and Housing Department's endorsement No.601/48/3812-E, dated the 4th October, 1951, on the above subject, I have to state that Messrs National Commercial Corporation of Belgaum was granted permits by this office to acquire 6.30 tons of iron and steel comprising of Angles, Flats and C.G.I.Sheets for erection of a motor garage, at Belgaum.

It was noticed that the firm had used only 514 Rft. of gles and 150 Nos. of C.G.I.Sheets for the proposed work, for which the same were released. Out of the remaining balance, 30 Nos. of C.G.I.Sheets and 150 Rft. of angles were used by the firm, for a Cow shed and 250 Rft. of Angles for motor body building contrary to the terms of the permit. The balance materials lying with the firm were therefore, transferred to some other applicants.

The firm's action, in using 30 Sheets and 400 Rft. of angles for some other purposes other than mentioned in the

P.T.O.

15

permit, was irregular and amounted to an offence under Clause 8 of Iron and Steel (Control of Production and Distribution) Order, 1941,. Hence the papers have been forwarded to the police for further action in the matter.

4 It is true that the firm had applied for using the materials for Cow Shed and Motor body building, but since the permission was not granted by this office, they ought not have used the materials, in anticipation of a permission. The Supervisor, I/c Iron and Steel Sub-Office, Poona, had informed the firm vide his letter No. 19/6844, dated the 23.12.48 that the materials should not be used, sold or otherwise disposed off without the prior permission of Rationing Officer (Iron and Steel). The Contention of the firm, that they were verbally assured by the Supervisor, Poona, that the permission would be granted, cannot be accepted, for merely a verbal assurance does not mean the permission to use the materials. Moreover, the above quoted letter dated 23.12.48, of the Supervisor, Poona followed, immediately after his inspection on 12.12.48, as stated in the party's letter under remarks. (However, the date of inspection can not be confirmed by this office as the original papers have been sent to police)

Early orders of the Government are requested.

Yours faithfully,

Rationing Officer (Iron and Steel).

T/3/11.

Below U.O.R. dated the 30th November 1951 from the Labour & Housing Department, Bombay to the Rationing Officer (Iron and Steel), Bombay regarding the release of iron and steel in favour of Messrs. National Commercial Corporation, Belgaum.

LABOUR AND HOUSING DEPARTMENT.
FILE NO. 601/48 17/w/52
E
SERIAL NO. 14641

2663-8

17-4-52

Office of the
Rationing Officer (Iron and Steel).

Returned with compliments with the following remarks.

As already stated in this office letter No. BOM/LA-447/4482-E dated the 5th November 1951, addressed to Government by this office, Shri. Gogate Prop. National Commercial Corporation, Belgaum committed an offence under Clause 8 of Iron & Steel (Control of Production & Distribution) Order 1941, in vew of the facts that Shri. Gogate intentionally carried out unauthorised works inspite of the letter No.19/1059 of 1947 dated the 1st Sept.,1947 (copy enclosed) asking him not to construct any unauthorised work other than the one mentioned in the permit without obtaining prior permission from this office.

As regards various points raised by Shri. Gogte, the undersigned offers his remarks as under:-

1. It is true that Shri. Gagate had submitted his application addressed to this office in the office of the Overseer I/c Iron and Steel Sub-Office, Belgaum on the 27th Aug.1948, but the same was sent by the Overseer to the Supervisor I/c Iron & Steel Sub-Office, Poona who in turn asked the Overseer, Belgaum to get details such as quantity of iron and steel acquired, utilized and balance lying with the party. The Overseer stated inquiry as required by the Supervisor, Poona but Shri. Gogate could not be contacted by him; as he was out of station and the firm in their letter dated the 18th Sept. 1948 informed the Overseer, Belgaum, stating that Shri.Gogate is out of station.

It may be stated that Shri. Gogate being a literate man, though he had applied for a cow shed

on the 27th Aug.1948, should not have carried out unauthorised work especially when the Supervisor, Poona had asked him not to carry out any unauthorised work in Sept.1947. It will, therefore, please be seen that the construction work of the cow-shed was carried out intentionally disregarding the letter from the Supervisor, Poona.

As regards his letter dated the 2nd Dec.,1948, it may be added that the Supervisor, Poona in reply to his letter dt. 2nd Dec.1948, asked Shri. Gogate under his letter No.19/6844 dated the 23rd Dec.1948 to supply the plan of the garage as sanctioned by this office together with a copy of the plan as constructed by him with least possible delay, showing also original site, and the one where it is actually constructed now. Further he was requested to state whether the final approval was obtained from this office for unauthorised work and if so, he was asked to send a copy of the letter, authorising him to do the work. It was made clear in that letter that the work carried out by Shri. Gogate was in contravention of the conditions of the permits. Shri. Gogate was informed that construction of a cow shed was also an unauthorised one and was asked to furnish a plan of the cow shed showing therein C.G.I.Sheets, angles, flat iron used for the work. In addition to the above, he was asked to furnish a copy of the letter authorising him to transfer 25 Rft. of the angles and also requested not to use or lend or sell any material for the body building of the trucks or any other work without prior permission from this office. Also he was asked to lodge a complaint with the Police Department for the materials that had been stolen.

2. No earlier reply could be given to Shri. Gogate's letters dated 27-8-48 and 2-12-48, as it would be seen from the remarks offered in (1) that the inquiry in the matter was going on in this office.

3. Shri. Gogate's further assertion that he had submitted plans as required, and as such was inclined to think that

the plans ~~were~~ will be approved, is baseless. Merely submitting plans to this office, or to the Sub-Office does not mean that the plan will necessarily be approved without detailed investigation.

4. Regarding the mistake about the balance quantity of 9 Nos. of sheets, it may be stated that Shri. Gogate was asked to deliver 9 Nos. of sheets to Shri. V.V.Deshpande of Belgaum, as his demand itself was 9 Nos. only.

5. As already stated, Shri. Gogate should have thought over the matter before using the materials in an unauthorised manner, as he was informed in September 1947 only that the materials should not be disposed of or used for any other purposes; and as such he ought to have taken written permission from this office to use the materials for an unauthorised work. Though the work was urgent and bonafide, as stated by Shri. Gogate, it was necessary to obtain a proper account etc. from the party before giving final sanction.

B

6. Shri. Gogate's contention that the work was carried out after applying to the proper authority and after the verbal assurance that the plans would be sanctioned has no grounds of justification, especially when he was asked by the Supervisor, Poona not to construct any other work, in his letter in Sept. 1947 and 23rd Dec.1948.

Under the circumstances, the undersigned thinks that there is no sufficient justification to withdraw the case and as such the case-papers which are received in this office from D.S.P.,Belgaum will be returned to the D.S.P., Belgaum for taking necessary further action in the matter.

Early orders are requested.

D.A. Copy.

Rationing Officer(Iron & Steel)

U.O.R. No. dated to the Labour and Housing Department.

55 -7-

No.19/1059 of 1947.
Office of the Supervisor, Building Materials, P. W. D. Stores,
Opp. Sassoon Hospital, Poona.
Dated: 1st September, 1947.

To

Messrs. National Commercial Corporation,
1145, Anand Shayan Lane, Belgaum

Subject:- Use of steel.
Reference:- BLG/II-47/B-2759/2456, 2457, 1438, 1436, 1437.

Dear Sir,

On inspection of my overseer it was found that the quantity released against permits will not be required in full for your garage. Please explain why so much quantity of C.G.I.sheets and angle iron was asked by you when your requirement was too small.

Please submit the plan of the proposed work, your modified requirements at an early date. The balance materials should not be disposed off or used for any other purpose prior to the permission from the Provincial Iron and Steel Rationing Officer, Bombay.

Yours faithfully,

Sd/- Y.A. Shinde.

Supervisor,
I/C Building Materials, Poona.

Copy forwarded with compliments to the Provincial Iron and Steel Rationing Officer, Bombay

CONFIDENTIAL.

No.BLG/BS-1211/3437-S
Office of the
Rationing Officer (Iron and Steel),
Military Hutments, Esplanade Maidan,
Fort, Bombay(1) 8th May, 1952.

To.

The Secretary to the Government of Bombay,
Labour and Housing Department,
BOMBAY.

LABOUR AND HOUSING DEPARTMENT
FILE NO. 601/48
DATE 9-5-52
SERIAL NO. 1450-52

Sub:- Release of iron and steel to Messrs. National Commercial Corporation, Belgaum.

Ref:- Government Memorandum No.601/48/14641-E dated the 26th April, 1952.

Shri. Nanjappa, the then Supervisor I/c Iron and Steel Sub-Office, Poona, being no longer in this organisation, Shri.Gogate's statement to the effect that he had assured him orally to send the written permission immediately, cannot be confirmed now. In this connection, it may be stated that Shri. Gogate's statement made to Government in his letter dated the 14th September 1951, cannot be relied upon, as the then Supervisor I/c Iron & Steel Sub-Office, Poona, (Shri. Nanjappa) had informed Messrs. National Commercial Corporation Belgaum under his letter No.19/6844 dated the 23rd December 1948, about the unauthorised work and pointed out various descripencies which had occured during the course of the unauthorised work. This clearly shows that there was no oral assurance from the then Supervisor during his visit to Belgaum on the 12th December 1948.

2 From the letter No.ISC/7/94/49 dated the 1st Jan.1949, addressed by the Manager of the firm to the Supervisor I/c Iron & Steel Sub-Office, Poona, a copy of which is enclosed herewith, for favour of perusal of Government, it will please be seen that the construction work of the proposed cow-shed has been carried out by Shri. Gogate, not on oral assurance from the then Supervisor I/c Iron & Steel Sub-Office, Poona, but merely in anticipation of sanction from this office. Shri. Gogate's assertion to the effect that he carried out the construction work of a cow-shed cannot therefore be justified.

3 As regards paras No. 3 & 4 of the Government Memorandum under reply, it may be stated that every applicant who applies to this office for acquiring iron and steel, insists upon considering his demand immediately as his application appears to him genuine and urgent and if this office ~~have~~ were to take such statements into consideration, every application would have to be given a special priority which would just not be possible. This office considers only deserving cases and non-deserving cases are rejected. As regards sanctioning urgent cases within a fortnight or a month, there is no such practice nor any time limit laid down. Releases on priority basis are only done after obtaining Government approval and all other cases are kept in usual serial and met with in turn. In this connection, it may be stated that even if Shri. Gogate had applied to this office directly, no permit for acquiring iron and steel or permission would have been given to him to utilise the materials for a cow-shed without detailed investigation, as the quantity involved was 150 sheets and necessitated careful consideration. It may also please be noted that even had Shri.Gogate applied to this office for a fresh permit for a cow-shed, the same would have been met with in the order of priotity in which applications are received in this office. As necessary inquiry was

P.T.O

started by the Supervisor I/c Iron and Steel Sub-Office, Poona, the question of keeping the papers on record does not arise. The practice and function of the Sub-Office is to give an interim reply to the permit holders not to use the materials released, for unauthorised works, so as to avoid further complications and then to start detailed inquiries into the matter with regards to acquisition of the materials, quantity used etc. The then Supervisor, Poona and his predecessor also followed the above practice in this case also, which is found to be in order.

4. It is true that there occured delay in disposing of Shri. Gogate's case, but is mainly due to the non-co-operative attitude of the firm in supplying details as requested by the Sub-Offices.

5. As regards para No.5 of the Memo, it is true that Shri. Gogate had submitted a letter No.IS/G/NCC/7/73/48 dated the 2nd December 1948, to use angles for motor body building, to the Overseer I/c Iron & Steel Sub-Office, Belgaum, but the then Supervisor, Poona had informed him clearly in his letter No.19/6844 of 48 dated the 23rd December 1948 that he should not use the materials for motor body building without written permission from this office.

6. Besides the undersigned desires to bring to the notice of Government, about Shri. Gogate's false representation made by him in his letter dated the 14th September 1951, addressed to Government. Therein he has nowalso asserted that the then Supervisor I/c Iron & Steel Sub-Office, Poona (Shri. Najappa) paid a visit to Belgaum on 12th December 1948, where he is supposed to have been given oral assurance to utilize the materials for a cow-shed. But from the letter No.ISC/NCC/7/74/48 dated the 2nd December 1948, addressed to this office and submitted through the Supervisor I/c Iron and Steel Sub-Office, Poona, the Manager had stated under para P.S. that the position was explained to him on the 12th December 1948, which cannot be true, as the above letter was pre-dated i.e. 2-12-48, and the visit was post-dated , and, therefore, Shri. Gogate's assertion cannot be accepted.

D.A.: Copy.

Rationing Officer (Iron and Steel).

B.5/5

Urgent

61

No 601/48/1850 E

Cabinet Secretariat Department

Sir,

23rd May 1952

Subject :- Release of rent & shares of M/o National Commercial Corporation Belgaum.

Memo

This was put to the Railway Officer (Joint Secretary) Bombay and with reference to the correspondence resting with his letter No. BLG/135-(211/343)-5 dated 8.5.1952 on the above subject is directed to state that the Govt of

P.C.
Lab & Stores Dept discuss & discuss ~~Mon. 4 ylg~~
letter under reply with the R.O. (T35)
~~matter with him~~. The R.O is then
requested to call on the Secy after ascertaining on phone
the Secy. the time and date convenient with Secy. for discussion.
~~letter after letter and appointment is~~

P. Chem

B. Chem Lab

ISSUED
Date 23/5/52

23/5/52
Assistant Secy to Govt of Bombay
Labour & Stores Dept

Mark
5/5

AS

No 601/48/1808 E

Labour & Housing Deptt

Govt. of India

New Delhi the 18th June 1952

D/-11/6/52

From B. N. Gogate

Proprietor National Commercial Corporation

1145 Anarkali Shajan Lane

Bulgaum

Subject:- Release of arms & stock

Sir

In continuation of G.I. Lab. & Housing Deptt No 601/48/3811 E dated 4-10-951 I am directed to state that ~~if it is regretted that Govt. cannot interpose its~~ favourable decision in the matter

the matter

10/6/52

for Secretary to Govt of Bombay
Labour & Housing Deptt

ISSUED
Date 10/6/52

Copy forwarded to the Katchcheri Officer (Dhulia & Nasik) Bombay with reference to the correspondence ending with his letter No BLC/BS-1211/3437-S (P7) dated 8-5-1952

The case papers should be returned to the D.S.P. Belgaum for taking necessary further action.

A report should be made in the cause of the removal of the case against the party.

Mud
4-6-52
M

65

No. 601/48/18080-E,
Labour and Housing Department,
Secretariat (Annexe), Fort,
Bombay, June 1952.

From

The Secretary to the Government of Bombay,
Labour and Housing Department.

To

Shri B. M. Gogate,
Proprietor National Commercial Corporation,
1145, Anant Shayan Lane,
Belgaum.

Subject:- Release of iron and steel.

Sir,

In continuation of Government Letter, Labour and Housing Department No.601/48/38112-E, dated 4th October 1951, I am directed to state that Government declines to interfere in the matter.

Yours faithfully,

For Secretary to the Government of Bombay,
Labour and Housing Department.

Copy forwarded with compliments to the Rationing Officer (Iron and Steel), Bombay, with reference to the correspondence resting with his letter No. BLG/BS-1211/ 3437-S, dated 8th May 1952.

The case papers should be returned to the District Superintendent of Police, Belgaum for taking necessary further action.

A report should be made in due course of the result of the case against the party.

YD7/6.

P:O.P.—(J) R 906—80,000—8-51—X4 (Supr)

LABOUR & HOUSING DEPARTMENT.
FILE NO. 601/48
E DATED 28.12.51
SERIAL NO. 52213

No. BOM/LA-447/South /9456 S.

OFFICE OF THE
RATIONING OFFICER (IRON AND STEEL),
MILITARY HUTMENTS, ESPLANADE MAIDAN :
BOMBAY-1, December, 1951

THE RATIONING OFFICER (IRON AND STEEL)

BOMBAY ;

To The Under Secretary to the Government of Bombay,
Labour and Housing Department,
BOMBAY.

Sub:- Release of iron and steel in favour of M/s. National Commercial Corporation, Belgaum.

Ref:- U.O.R. dated 30th Nov.1951.

As the papers in original are with the District Superintendent of Police, Belgaum it is not possible for this office to reply in detail to the points raised by Government, unless the papers are obtained from the D.S.P. He has been requested to return the papers and further report will be made to Government on receipt of the papers.

Rationing Officer(Iron & Steel).

B.221251.

P.O.P.—(J) R 306—30,000—8-51—X4 (Supr)

LABOUR & HOUSING DEPARTMENT.
FILE NO. 601/48
DATED 1/2/52
SERIAL NO. 5532

No. BOM/LA-447/1098-52.

OFFICE OF THE
RATIONING OFFICER (IRON AND STEEL),
MILITARY HUTMENTS, ESPLANADE MAIDAN
BOMBAY-1, February 1952.

FROM

THE RATIONING OFFICER (IRON AND STEEL),
BOMBAY;

The Under Secretary to the Government of Bombay,
Labour and Housing Department,
BOMBAY.

Sub.:- Release of iron and steel in favour of Messrs National Commercial Corporation Belgaum.

Ref.:- Government Memorandum No.601/48/5243-E, dated 31st January 1952.

The District Superintendent of Police, Belgaum has already been asked to send the case-papers of the above party expeditiously, so as to enable this office to reply detail to the points raised by Government.

Rationing Officer (Iron & Steel).

SRS/8-2.

2A 71

G.C.P.—(J) R 306—30,000—3-51—X4 (Supr)

LABOUR & HOUSING DEPARTMENT
FILE NO. 601/48
DATED 1/2/52
SERIAL NO. 8180

No. BOM/LA-477(South)/17738 52

OFFICE OF THE
RATIONING OFFICER (IRON AND STEEL),
MILITARY HUTMENTS, ESPLANADE MAIDAN:
BOMBAY-1, February, 1952.

FROM

THE RATIONING OFFICER (IRON AND STEEL),
BOMBAY;

To

The Assistant Secretary to the Government of Bombay,
Labour and Housing Department,
Bombay.

Subject:- Release of iron and steel in favour of M/s. National Commercial Corporation, Belgaum.

Reference:- U.O.R. No. Nil, dated the 25th February, 1952.

A copy of the letter No. 47-A of 1952, dated the 18th February, 1952, endorsed to this office by the Superintendent of Police, Belgaum, is enclosed herewith for favour of perusal. The reply will be expedited on receipt of the case papers from the District Superintendent of Police, Belgaum,, which are awaited.

D.A. Copy.
PSG/29/2.

Rationing Officer(Iron & Steel).

73

No. 47-A of 1952.
Belgaum, 18th February 1952.

URGENT.

Copy forwarded to S.I. Belgaum City, in continuation of this office Reminder of even No. dated 23-1-52, for submitting the case papers under reference immediately.

Sd/-
For Dist. Supdt. of Police, Belgaum.

Copy f.w.cs. to:-

The Rationing Officer (Iron and Steel), Military Hutments Esplanade Maidan, Bombay 1, for information.

2. The papers will be sent immediately they are received from the S.I. Belgaum City who has already been expedited in the matter.

PSG/29/2.

75

No. 601/48/8080-E,
Labour and Housing Department,
Secretariat (Annexe), Fort,
Bombay, 7th August 1952.

Subject:- Release of iron and steel.

Memorandum.

The undersigned presents compliments to the Rationing Officer (Iron and Steel), Bombay, and with reference to this Department endorsement No. 601/48/18050-E, dated the 10th June 1952, on the above mentioned subject, is directed to request him to report the result of the case against Messrs. National Commercial Corporation, Belgaum, to Government as early as possible.

By order of the Governor of Bombay.

Assistant Secretary to the Government of Bombay,
Labour and Housing Department.

ISSUED
Date 26-8-52

No. 47-A of 1952.

Urgent. Belgaum, 19 September 1952.

To,

The Rationing Officer,
(Iron and Steel), Military Mutments, Esplanade
Maidan, Bombay-1.

Reference:- Your letter No. BOM/LA-447/4176-E, dated 10-9-52.

Subject :- Release of Iron and Steel in favour of M/s National Commercial Corporation, Belgaum.

The accused in this case i.e. Shri Gogate, Pleader is reported to have gone to Foreign countries for studies, and hence the investigation is pending for want of his presence. He is returning to Belgaum in October or November 1952, and further action will be taken in the matter on his return.

A further report will be sent in due course.

Dist. Supdt. of Police, Belgaum.

Copy submitted to:-

The Secretary to the Government of Bombay, (P.W.D.), for favour of information, with reference to R.O.(Iron & Steel) Bombay's No. quoted above.

5.
G Br

601/48/89345
P.W.D

Submitted with reference to the D.S.P, Belgaum's letter dt. 19/9/52, addressed to the R.O.(PH), Bombay, overleaf. Further report in the matter may be awaited.

29/9/52

PRO
29-9-52.

A (IV)

G
23/9

P. W. D.
File No. 601/48
Encl. No. 89345

PRO

A
20/10

23-9-52

77

601/68/P.9345—
P.W.D

G. Br

Submitted with reference to the R.D.(P.W.D)'s endorsement dt. 19-9-52 at page 51 ante and D. note dt. 29/9/52 at page 52 ante. The R.D. has not forwarded his further report in the matter. He may be expedited. A draft letter is put up for approval.

PRO.
26-10-52

25/10/52

A.S. (IV)

44

81

P.W.D

No 601/48/89345-G

Letter

Bx. (Bombay No 1)

27th Oct. 1952

To

The R.D. (785), Bombay.

Sub:- Release given and steel in favour of M/S National Commercial Corporation, Belgaum.

Ref:- Correspondence ending with your endorsement No. 47-A, dt the 19-9-52

2. I am directed to request you please to state how the matter stands.

ISSUED
Date 23/10/52

D.A. Nil.

25/10/52

Yours faithfully
27/10

Asstt. Engr. Bldg Constn
P.W.D.

Actg. Under Sec.
O/C. 1:

G.G.P.—(J) R 806—30,000—8-51—X4 (Sup

83

No. BOM/LA-(M) 6093E

OFFICE OF THE
RATIONING OFFICER (IRON AND STEEL),
MILITARY HUTMENTS, ESPLANADE MAIDAN:
BOMBAY-1, 12th November 1952.

FROM

THE RATIONING OFFICER (IRON AND STEEL),
BOMBAY;

To

The Secretary to the Government of Bombay,
Public Works Department,
Bombay.

Subject:- Release of iron and steel in favour of National Commercial Corporation, Belgaum.

With reference to the Government (Public Works Department's) letter No. 601/48/89345-G, dated the 27th October 1952, on the above subject, I am to state that a further report from the District Superintendent of Police, Belgaum, is awaited and the Government will be informed of the developments in the matter on receipt of the same from the District Superintendent of Police.

11/11

Rationing Officer(Iron & Steel).

PSG/8/11.

G.O.P.—(J) B 540—30,000—2-52—X4 (Supr)

No. BOM/LA-447. 114

OFFICE OF THE
RATIONING OFFICER (IRON AND STEEL),
MILITARY HUTMENTS, ESPLANADE MAIDAN:
BOMBAY-1, 3rd January, 1953.

FROM

THE RATIONING OFFICER (IRON AND STEEL),
BOMBAY;

The Secretary to the Government of Bombay,
Public Works Department,
Bombay.

Sub:- Release of Iron and Steel in favour of National Commercial Corporation, Belgaum.

In continuation to this office letter No.BOM/LA-447/6093-E.dated 12-11-52, on the above subject. I am to state that the case is sent to Shri.P.P.Belgaum for his opinion as reported by the D.S.P. Belgaum. Further report will be sent to Government as soon as it is received by this office.

Rationing Officer,(Iron & Steel).

K.S.2/1/53.

Bom/LA-447/805

Office of the
Controller of Iron and Steel and Cement,
Military Hutments, Esplanade Maidan,
Fort, Bombay (1), 7th May, 1953.

To

To

The Secretary to the Government of Bombay,
Public Works Department,
Bombay.

Sub.:- Release of Iron and Steel in favour of National Commercial Corporation, Belgaum.

In continuation of this office letter No. BOM/LA-447/14, dated the 3rd January, 1953, on the above subject, I am enclosing herewith the case-papers received from the District Superintendent of Police, Belgaum under his No. LCB/54, dated the 19th January, 1953, along with the opinion of the Senior Police Prosecutor, Belgaum, in which he states that the case will not stand in a Court of law and has suggested that the same may be reported for 'C' summary.

The Police maintain that the disposal of balance quantity of steel by Shri. Gogte was bonafide and was done in anticipation of permission from the then Rationing Officer (Iron and Steel).

In this connection it may be stated that the action of Shri. Gogte is far from being bonafide as far as disposal of balance quantity is concerned. Shri. Gogte was clearly informed that he should not use balance quantity of steel unless permission for such use is granted by the Rationing Officer(Iron & Steel).

It is now for consideration whether the case may be proceeded with or whether 'C' summary as suggested by the District Superintendent of Police, Belgaum should be allowed.

Government orders in the matter are requested.

Encl:- Case papers.

Controller of Iron and Steel and
Cement.

GSG/5.5.

Legal Department.

The R.L.A. is requested to adyise whether a prosecution should be filed against Shri Gogate the proprietor of Messrs. National Commercial Corporation for breach of clause 8 of the Iron and Steel (Control of Production and Distribution) Order, 1941, or whether 'C' summary should be obtained in the case as advised by the Senior Public Prosecutor, Belgaum.

The view taken by the Senior Public Prosecutor, Belgaum that there is no evidence of breach of condition of the permit under which Shri Gogate acquired iron and steel is not correct. Originally the permit was granted for erection of motor garage at Belgaum and one of the conditions of the permit was that the acquisition of iron and steel which was authorised on that permit must not be used for any purpose other than the purposes mentioned in the permit. Shri Gogate acquired 6.30 tons of iron and steel under the permit comprising of angles, flats and C. G. I. sheets. Out of this quantity, he used only 514 Rft. of angles, 150 numbers of C.G.I. sheets for the erection of the garage. Out of the remaining balance 30 numbers of C.G.I. sheets and 150 Rft. of angles were used for the erection of a cow shed and 250 Rft. of angles for motor body building contrary to the terms of the permit. Shri Gogate's contention that he had indirectly an oral permission of the Supervisor, Poona, is not supported by evidence. It is clear from the papers that on 27th August 1948, the National Commercial Corporation made an application to the Provincial Iron and Steel Rationing Officer that they were very much in need of a cow shed as per plan enclosed with their letter and requested that they may be allowed to utilise the material from the stock in their possession. A similar application was made on the 2nd December 1948 stating that they needed 250 Rft. of angles for the building of the body of their two trucks and the need was urgent and requested for permission being granted immediately as the trucks were to be sent forthwith to the Government foodgrains transport. It appears that the Supervisor, Building Materials, Poona visited the premises of the

National Commercial Corporation on the 12th December 1948 and the Corporation seems to have apprised the Supervisor of the use or the proposed use by them of the material for the cow shed and the body building. It is true that this letter is dated the 2nd December 1948 and they mentioned therein the Supervisor's inspection on the 12th December 1948. It seems that this letter was received by the Supervisor, Building Material, Poona on the 20th December 1948 and it is therefore evident that though the original letter was dated the 2nd December 1948, the postcript to that letter must have been written later on the 12th December 1948. The Supervisor replied to this letter on the 23rd December 1948 in which reply he had made it very clear that the cow shed appeared to have been built without prior sanction of the Provincial Iron and Steel Rationing Officer and material used for unauthorised work. The National Commercial Corporation were clearly told that they had committed a breach of the order. Regarding the material for the body building of trucks also the Supervisor informed the National Commercial Corporation that the material should not be used for that purpose without the prior permission in writing of the Provincial Iron and Steel Rationing Officer, Bombay, otherwise it would amount to unauthorised use. From this letter of the Supervisor, it is quite evident that the contention of Messrs. National Commercial Corporation that they were permitted by the Supervisor to construct the shed and to use the angles for the body building of trucks is not correct. The whole question was considered by the Secretary, Public Works Department who ultimately came to the conclusion that as regards the cow shed it was a technical offence since it would have been permitted if applied for in time but as regards using steel for motor building, it was in clear defiance of the Supervisor, Building Material, Poona's letter dated the 23rd December 1948 and therefore the police should take necessary action against the Corporatio

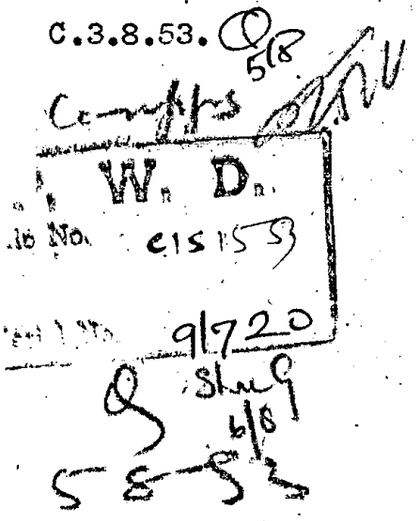
Papers were sent to the Police for investigation. On the report of the P. S. I. L. C. B., Belgaum, the Senior Public Prosecutor, Belgaum, came to the conclusion that there was no offence of breach of the licence (permit) c.l. condition and therefore the case under section 7 of the Essential Supplies (Temporary Powers) Act, 1946 would not stand and the case [illegible] ted for 'C' summary. All the facts as stated in the P. S. I's report regarding the delay of four years and regarding the implied permission etc. are not correct. The case is, therefore, a fit one for filing a prosecution although as stated by the Secretary, Public Works Department the use of iron for cow shed is likely to be held by the Court to be a technical offence.

Secretary to Government.

With Case PPS.

U.R. to P.W.D., No. G-461, dated the 4th August 1953.

C.3.8.53.



P. W. D.

Q Branch. with case pp

File No. C151553/53985

U.O.R. to Remembrancer of Legal Affairs

Issued on

Issued 8/L. 27/5/53

MTDS 26/5/53

Subject:- Release of Iron and Steel in favour of National Commercial Corporation Release

97 No. BOM/LA-447/1271.3

Office of the
Controller of Iron & Steel & Cement,
Military Hutments, Esplanade Maidan,
Fort, Bombay (1) 10th July, 1953.

~~79~~ 97

To

The Asstt. Secretary to the Government of Bombay,
Public Works Department,
Bombay

Sub.:- Release of iron and steel in favour of
National Commercial Corporation,
Belgaum.

CIS 1553/53485
U.O. to RL.A. 26/5
Exp. 15/6

27 Please refer to this office letter No. BOM/LA-447/605, dated the 7th May, 1953, on the above subject and kinly expedite Government orders in the matter.

Controller of Iron and Steel and Cement.

GSG/8.7.

99

Express Letter

From Bomworks Bombay

To The R.L.A.

No. C/S/1553/81606 Q

PWD

Bo. (Bombay No 1)

31 July 1953.

Please refer to this Deptt. u.o.r. No. C/S/1553/13985 Q, dated the 27th May 1953 and a subsequent reminder dated the 18/6/53 regarding release of iron and steel in favour of National Commercial Corporation, Bilgaum. Kindly return the said u.o.r. with your remarks as early as possible

Issued 30/7

Asstt. to Sy. to Govt. PWD.

24/8 received 3/8/53

No CIS 1553/91720 Q

Letter

6+ 101 87

PWD

Be. (Bombay No 1)

26th Aug. 1953.

To

The Controller of Iron and Steel and Cement, B'bay.

Sub:— Release of Iron and Steel in favour of National Commercial Corporation, Belgaum.

65 and W

Reference: Your letter No. Bom/LA-447/605, dated the 7th May 1953.

2. I am directed to state that Govt. is advised that the case against the National Commercial Corporation, Belgaum, for misuse of C.A.I. sheets is a fit one for filing prosecution. I am, therefore, to request you to instruct the Police Authorities to arrange for prosecution and..

~~86~~ 62

and ~~finitimate~~ the result of the case to Govt. in due course. In this connection a copy of the R.L.A's opinion No. G.461, dated the 4-8-53 is enclosed for information. P71-75 ante P65 ante

3. Case papers ~~forwarded~~ with your letter under reference are returned herewith. putting below

By order etc

Asstt. Sy. to the Govt. of B'bay
PWD

D.A:
One R.L.A's Opinion ~~refunded~~ and case papers refunded.

PP 71-75 to the L.A.C.

DA

20/8/53

1 (1-10-53)
3/9

Read copy of R.L.A's opinion
K Chandhiri
11/9/53.

25/8

SI u C
19/10

Telegram:PROVISRO 103 No. Bom/LA-447/1855

Office of the
Controller of Iron and Steel and Cement,
Military Hutments, Esplanade Maidan,
Bombay 1. 5th Nov. 1953.

To
The Asstt. Secretay to the Government of B'bay,
Public Works Department,
Bombay.

ub:- Release of iron and steel in favour of National Commercial Corporation, Belgaum.

With reference to Government's memo. No. CIS-1533/Q1720 Q dtd. 21-10-53, on the above subject, I am to state that the casepapers along with a copy of Remembrancer of Legal Affair's opinion have been forwarded to the Dist. Superintendent of Police, Belgaum for taking further action in the matter. Further developments will be communicate to Government on receipt of a report from the District Superintendent of Police, Belgaum.

Controller of Iron and Steel and Cement.

QBr

C15 1553/130543

PWD

Submitted for information

2. Further report from the Controller of Iron and Steel and Cement, Bombay may be awaited

13/11/53

13/11/53

F.P. 12

I. W. D.
File No. C15 1553
130543
Serial No. 6
5-11-53

9/11

LETTER 105

To

The Controller of Iron and Steel and Cement Military Hutments Explanade Maiden Fort,
Bombay (I)

Reference:- His No. BOM/I.A-447/1855 dated 5th Nov. 1953.

Subject:- Release of iron and steel in favour of National Commercial Corporation, Belgaum.

No. 49/LCB of 1953. Belgaum, dated 23-11-1953.

The investigation having been completed, the presence of the accused shree B.M.Gogate was secured and a charge-sheet has been sent to the Court of the J.M.F.C.Belgaum city ~~xfx~~ on 13-11-1953.

District Supdt: of Police,
Belgaum.

Copy submitted to:-

The Secretory to the Govt. of Bombay Public ~~xxx~~ works Department, Bombay.

9-1

Q Bor

CIS 1553/138046

Draft

Further report from the Controller Iron and Steel and Cement. B/f may be awaited

Qk
2/12/53

PMB
2/12/53

Supdt

Checked (2-1-54)
2/12

Sl. Ki
2/1

Q Secy

QB

The Controller of Iron & Steel ...
has been accredited on 5-1-54

CIS 552
138046

Dated 5.1.54

Qk
(4/1/54)
Checked (25-1-...)

MB
4.1.54

Secy
5/1

Supdt 1/1

No. BOM/LA-447 /134 107

Office of the
Controller of Iron & Steel & Cement,
Queens Barracks No. 3 & 4, Foreshore Rd.,
B'bay (1) 13th Jan. 1954.

To

The Secretary to the Government of B'bay,
Public Works Department, B'bay.

Sub.:- Release of Iron and Steel in favour of
National Commercial Corporation, Belgaum.

With reference to Government (Public Works Department)'s Memo. No. CIS 1553/1380/46 Q, dated the 5th January, 1954, on the above subject, I am to state that the District Superintendent of Police, Belgaum has been requested to communicate the result of the case to this office, as soon as it is decided by the court.

Controller of Iron & Steel & Cement.

GSG/12.1.

Q Pr

Await further report from the Controller of Iron & Steel & Cement.

19/1/54

20.1.54

17/2

C1S1553/5419

2 Por

The Controller of Iron and Steel and Cement, Bombay, has been reminded under No. C1S1553/5419 dt. 24th Feb. 1954

25/2/54.

25-2-54

25/2 Supdt.

ISSUED
Date 25/2

24.3.54

P. W.
File No: C1S1553
Serial No. 5419

No.BOM/LA-447/ 229-L
Office of the,
Controller of Iron & Steel & Cement,
Queens Barracks No.3&4, Foreshore Rd.,
Bombay 1. 1st March, 1954.

To

The Secretary to the Government of Bombay,
Public Works Department,
Bombay.

Sub.:- Release of Iron & Steel in favour of M/s. National Commercial Corporation, Belgaum.

With reference to Government's Memo No.CIS 1553Q dated the 25th Feb., 1954, on the above subject, I am to state that the above case is pending trial in the Court. Result of the case will be communicated to Government when it is decided by the Court.

Controller of Iron & Steel & Cement.

T/10/3.

70 96

QBm. fo7. L' CIS1553/34106

Submitted for information P.W.D.

Further report from the Controller of Iron and Steel and Cement, Bombay may be awaited

23/3/54

23-3-54

QBm

CIS1553/34106
P.W.D.

The C/A Sec, Bldg has been expedited under No. CIS1553/34106 A, dt 27 April 1954

9/4/54

ISSUED
Date 27/4

P.D. 1913

W. D.
No. CIS1553
Serial No 34106

Q 11/5/3
12.-

No. BOM/LA-447/514-L/11
Office of the
Controller of Iron & Steel & Cement,
Queens Barracks Nos. 3 & 4, Foreshore Rd
B'bay (1) 7th May, 1954.

To

The Secretary to the Government of Bombay,
Public Works Department,
B'bay.

Sub.:- Release of iron and steel in favour of M/s. National Commercial Corporation, Belgaum.

With reference to Government(Public Works Department)'s Memorandum No. CIS-1533/34106-Q, dated the 27th April,1954, on the above subject, I am to state that the case was decided by the Court of Resident Magistrate, First Class, Belgaum City on 30th March,1954 and the accused has been discharged. The District Superintendent of Police, Belgaum has been requested to send a copy of the Order of Court along with Police Prosecutor's opinion in the matter. He is again being expedited and a report will be submitted to Government on hearing from him.

S. Chakrapani Rao 13-5-54
for Controller of Iron & Steel & Cement,
B'bay.

GSG/155

Z-8/4 (7/1)

for duplicate
see W 28:79 N/C

C.O.
C15

H. W. D.
File No. C151553
Serial No. 64681

8m T
7/15/57 5-5-57

EXPRESS

113 ~~73~~

No.BOM/LA-447/583-L

Office of the
Controller of Iron & Steel & Cement,
Queens Barracks No.3&4, Foreshore Rd.,
Bombay 1, 5th June, 1954.

To

The District Superintendent of Police,
Belgaum.

Sub:- Release of Iron & Steel in favour of M/s.
National Commercial Corporation, Belgaum.

....

P. 71

I am to invite your attention to this office letter No.BOM/LA/447 416-L, dated the 15th April, 1954, and a subsequent reminder No.BOM/LA-447/515-L, dated the 17.5.54, on the above subject, and to request you please to send a copy of the Order of the Court along with Police Prosecutor's opinion immediately.

S. Chakrapani Rao.
7-6-54
Controller of Iron & Steel & Cement.

T/5/6.

✓ Copy forwarded with compliments to the Secretary to the Government of Bombay, Public Works Department, Bombay for information in continuation of this office letter No.BOM/LA-447/514-L, dated 17.5.54.

4681

516 (1-7)

P. W. D.
File No. CIS/533
Serial No. 7834

15 No. BOM/LA-447 /765-L.
Office of the
Controller of Iron and Steel and Cement,
Queen's Barracks Nos. 3 and 4, Cooperage,
Bombay 1.

30th Aug.1954

To

The Secretary to Government of Bombay,
Public Works Department,
B o m b a y.

Sub:- Release of Iron and Steel in favour of M/s. National Commercial Corporation, Belgaum.

....

Prompt

With reference to Government (Public Works Department) Memo. No.CIS 1553/78346 Q dated 7-8-54 on the above subject, I am to state that no reply is yet received from the District Superintendent of Police, Belgaum. He has been expedited by a D.O. letter and copy of Order of the ~~Exmxr~~ Court will be sent to Government as soon as it is received from him.

Q 18/8/54

Controller of Iron and Steel and Cement:

WSP/28/8/

P. W. D.
File No. CIS 1553
Serial No. 116176

77 No. BOM/LA-447/799-L 117

Office of the
Controller of Iron & Steel & Cement,
Queens Barracks Nos. 3 & 4, Foreshore Rd.
B'bay (1) 29th Sept.,1954.

To

The Secretary to the Government of Bombay.
Public Works Department,
Bombay.

Sub.:- Release of iron and steel in favour of M/s.
National Commercial Corporation, Belgaum.

875-1

In continuation of this office letter No. BOM/LA-447/765-L, dated the 30th August, 1954, on the above subject, I am to state the District Superintendent of Police, Belgaum has replied that in this case a fresh charge sheet has been put up against the party on the 29th June, 1954, and the case is still pending in the Court of Judicial Magistrate, First Class, Belgaum. The result of the case is awaited and it will be communicated to Government as soon as it is received by this office.

Controller of Iron & Steel & Cement, B'ba

GSG/289

For
Circ 131/55

P. W. D.
File No. CI>155
Serial No. 131504

S-9
4/10

30-9-54

7.7 No. BOM/LA-447/966-L 119
Office of the
Controllerof Iron and Steel and Cement,
Queen's BarracksNos. 3 and 4, Cooperage,
Bombay 1. 24th Nov.1954

To

The Asstt.Secretary to Government of B'bay,
Public Works Department.
Bombay.

Sub:- Releaseof Iron and Steel in favour
of M/s. National Commercial Corporation
Belgaum.

B 31 N/S

With reference to Government Public Works Department's Memo. No. CIS-1553/131504 Q dtd. 16-11-54 on the above subject, I am to state that further report from the Dist. Superintendent of Police, Belgaum is awaited. He has been expedited and Government willbe informed of the progress of the case on receipt of the reply from the District Superintendent of Police.

Controller of Iron and Steel and Cement.

NSP/22/11/

for disposal please [illegible] N/F

[illegible] 25/11

P. W. D.
File No. CIS1553
Serial No. 156884

24-11-54

121

No. BOM/LA-447/11-L
Office of the
Conroller of Iron and Steel and Cement,
Queen's Barracks Nos. 3 and 4, Foreshore Road,
Fort, Bombay (1) 8th January 1955.

To

The Asstt. Secretary to Government,
Public Works Department,
Bombay.

Sub:- Release of Iron and Steel in favour of
M/s. National Commercial Corporation
Belgaum.

With reference to Govt. (P.W.D)'s Memo No. MIS 1553/156884Q dated 31-12-54 on the above subject, I am to state that the D.S.P Belgaum has been expedited to report further developments in the matter and Government will be informed accordingly as soon as a reply is received from him.

Controller of Iron and Steel and Cement,
B o m b a y.

TPP.7/1.

for disposal to Accn 633 N/S

Q
To/1

P. W. D.
File No. 12/553
Serial No. 4303

Q
7 51

83 No. Bom/LA-447 / 91-L 123
Office of the
Controller of Iron and Steel and Cement,
Queen's Barracks Nos. 3 and 4, Cooperage,
Bombay 1. 15th Feb.'55

To,
The Asstt.Secretary to Government
Public Works Department,
Bombay

5/3 CA

Sub:- Release of Iron and Steel x in favour of
M/s. National Commercial Corporation,
Belgaum.

633 N/5

With reference to Government's memo No.CIS-1553/4303 Q dtd. 8-2-1955, on the above subject, I am to state that the Dist. Superintendentof Police Belgaum replies that the case is still subjudice.

Result will be communicated to Government where it is finally decided by the court.

Controller of Iron and Steel and Cement.

NSP/12/2/

For disposal dft see 0-34 N/S

4/19/2

Q
16/2

F. T. D.
File No. C151553
Serial No. 23648

orig
file

Q

IT-277

85

No. BOM/LA-447/132-L

125

Office of the
Controller of Iron and Steel and Cement,
Queen's Barracks Nos. 3 and 4, Cooperage,
Bombay 1.

14th 17th March '55

To

The Asstt. Secretary to Government of B'bay,
Public Works Department,
Bombay.

Sub:- Release of Iron and Steel in favour
of M/s. National Commercial Corporation
Belgaum.

....

1830-L.

In continuation of this office letter No.BOM/LA-447/91-L dtd. 15-2-55 on the above subject, I am to statex that the District Superintendent of Police, Belgaum has reported that the accused was acquitted on 15-1-55. He has been requested to send a copy of judgment along-with Police Prosecutor's remarks thereon. The same ~~may~~ will be forwarded to Government when received by this office.

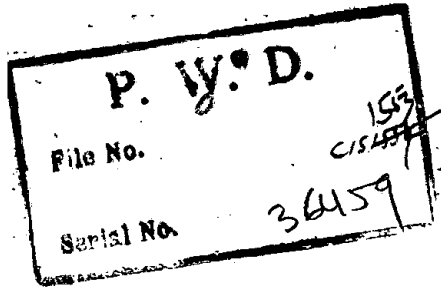
Controller of Iron & Steel & Cement.

for disposal of Acts 34 N/S

6 U 73

Appr. 10/5/55

Appr. 11/3



@ 14/3

14 Jan 3

IMMEDIATE.
Confidential

97 No. Bom/LA-447/184-L

Office of the
Controller of Iron & Steel & Cement,
Queens Barracks Nos. 3 & 4, Foreshore Rd.,
B'bay (1) 26th April, 1955.

127

To

The Asstt. Secretary to the Government of Bombay,
Public Works Department,
Bombay.

Sub.:- Release of Iron & Steel in favour of M/s. National Commercial Corporation, Belgaum.

With reference to Government's Confidential Memo. No. CIS 1553 36459, dated 14.4.55, on the above subject, I am to state that the District Superintendent of Police, Belgaum's reply is awaite in this matter. A copy of judgement along with a copy of police prosecutor's opinion will be submitted to Government as soon as the same are received from Police.

Controller of Iron & Steel & Cement,
B'bay.

GSG/234

Q Br. PWD

Further input may be awaited.

27/4/55.

Q. Br 27/4

P. W. D.
File No. CIS/553
Serial No. 55383

Q 27/5/55

7/6

26-4-55

No. BOM/LA-447/137/2 * 124
Office of the
Controller of Iron and Steeland Cement,
Queen's Barracks Nos. 3 and 4, Cooperage,
Bombay 1. 11th March '55

To
The Dist. Superintendent of Police,
Belgaum.

Sub:- Prosecution case against M/s. National Commercial Corporation, Belgaum.

With reference to your letter no.49/LCB of 1955 dtd. 14-2-55 on the above subject, I am to request you please to arrange to send a copy of judgment of ~~of~~ the court along with Police Prosecutor's remarks therein to this office for communication to court. This may please be treated as very urgent.

Controller of Iron and Steel and Cement

12 MAR 1955

DIST. SUPERINTENDENT OF POLICE
Inward No. 49/LCB
Date 4-83-12/3
BELGAUM

IMMEDIATE 434/LCB. of 1955

Belgaum 26

Forwarded to the Sub P.P. Belgaum N. B. Kulkarni, Belgaum for remarks, by return of Post.

NSP/10/3/ 213

Dist. Supdt. of Police,
Belgaum

17

Submitted.

I agree with the reasons noted in the judgment and in my opinion no useful purpose would be served by going in Revision against the order of acquittal.

30-3-55. P.P.

CONFIDENTIAL
IMMEDIATE

No.BOM/LA-447/184-L
Office of the
Controller of Iron and Steel and Cement,
Queen's Barracks Nos. 3 and 4, Cooperage,
Bombay 1. 2nd May ~~April~~'55

To

The Secretary to the Government
Public Works Department,
Bombay.

Sub:- Release of iron and steel in favour of M/s. National Commercial Corporation, Belgaum.
Ref:- Govt. (Conf) Memo No.CIS 1583/36459 dt. 14-4-55

....

In continuation of this office Confidential letter No. BOM/LA-447/184-L dtd. 26-4-55 on the above subject, I am to submit herewith a true copy of the judgment along with Police Prosecutor's opinion in this matter received from the Dist. Superintendent of Police, Belgaum for Government's perusal.

D.A. as above.

Controller of Iron and Steeland Cement

NSP/30/4/

Confidential
No. C1S1353/72181 Q

95

133
P. W.D.

Secl. Foshore Rd., Bombay No 1
3rd June 1955.

memo

Sub:- Prosecution case against M/s National Commercial Corporation, Belgaum.

The Regional Controller of Iron and Steel and Cement, Bombay vide his confl. letter No. Bom/LA-443/188-A, dt. the 2-5-55, on the above subject, is directed to state that perusal of the judgment in question shows that the accused had applied on 23-8-48 and 2-12-48 for permission to use the material remaining with them for cow shed and for motor body building but that these letters were never replied to. It is stated in the judgment that this fact was admitted by the complainant. The Controller is requested to state why no action was taken by him on the applications of the accused in time.

2 copies of the judgment received with the letter under reply are returned herewith which should be returned with the reply.

9-9-55 with reminder

By order,

Asstt. Secy.
P.W.D.

The accused Shri B. M. Gogate propritor, the National Commercial Corporation, 1145 Anant-Shayan Galli, Belgaum obtained 530 tons Iron and Steel consisting of angles plates and corrigated sheets for erection of motor garrage at Belgaum under permit Nos. B.L.G./11, 47/B, 2759/2457 of 20th June 1947, BLG/11 47/B 2759 4456 of 20th June 1947 and BLG /11, 47/B 2759, 1436 of 22nd May 1947 and N.P.N./11 47/B 2759/1437. But the firm has used ~~x~~ 150 R.H.Angles and 30 Nos. of corrogated sheets for erections of cowshed and 250 R.H. of Angles per motor Body building contrary to the terms of the permits. Only 514 R.H. of angles and 150 Nos. of corrigated sheets were used on the proposed garriage for which the materials were obtained on permits. Therefore accused is alleged to have committed an offence contrary to clause 8 of Iron (Steel Control of Production and Distribution orders 1941) which is punishable u/s 7 of the E.S.P.Act.

The points for consideration are:-

(1) whether the accused used material for erection cow-shed and for motor body building contrary to the term of permit.

(2) If so, whether the action of the accused was bonafide.

My findings are as under:-

Nos. 1 and 2, yes. No.3, No.

The fact that the material was used by the accused for the cow-shed and for motor body building is admitted by the accused. But he says that he did so in anticipation of permission for which he had applied in proper time. He says he had no ~~xx~~ intention to commit any offence. The complainant in this case is Shri P. R. Raichur, P.S.I., Bgm. He has no personal knowledge about the offence. He admits that the accused had applied to the provincial iron and steel rationing officer, for utilising the remaining material for constructing a cow-shed as per plan submitted by him. He also admits that on 4th September 1948 the supervisor in charge of the building materials Poona had written to the accused to supply 5 corrigated iron sheets to

one Mr. N. L. Deshpande. So also on 15th November 1948 the overseer in charge building materials Belgaum wrote to the accused to supply some angles of size 2" x 2" x ¼ on 2nd December 1948 the accused had writtenttо the provincial Iron and Steel R.O., Bombay, surrendering the material which had remained with him after constructing the motor garrage. On the same date the accused had also written to the Overseer in charge building materials, for permission to use 250 feet angles of 2" x 2" x ¼" size for motor body building. Some 4 angles of 9' size were stolen from the possession of the accused for which had had duly filed the complaint with the Police, and this fact has been admitted by the complainant. On 22nd August 1949 the provincial Iron and Steel rationing officer wrote to the accused to supply 9 sheets to Mr. V. Deshpande of Belgaum. On 10th November 1949 the provincial R.O. made enquiries with the accused as regards the balance of material remaining with him, and the material used by him for cow-shed and motor body building. On 10th February 1952 the accused has given all the necessary details. Again on 24th March 1950 the provincial Rationing Officer Bombay wrote to the accused to supply 186 feet angles 2" x 2" x ¼" and 161 numbers of corrigated galvanised sheets to Messrs. National Ice and Cold Storage Belgaum. The accused reported compliance on 8th June 1950.

From the above it will be seen that the accumsed had applied on 27th August 1948 and 2nd December 1948 for permission to use the material remaining with him for cow-shed and for motor body Building. These letters were never replied to and the fact is admitted by the complainant. The accused complied with the orders of the authorities concerned from time to time and he has also reported compliance. It is also evident that he had asked for permission to use the material remaining with him for the purpose of cow-shed and for motor body building. He admits that he has used the material under the bonafide belief that the permission applied for by him would be granted to him. But it is very funny to

note....

note that the authorities concerned failed to take any action on the letter written by the accused. They have not even replied to those letters. The default therefore ~~xx~~ lies with authorities concerned. I, therefore hold that accused has acted under a bonafied belief that the authorities concerned would issue necessary permission in course of time from the evidence before the court. I am satisfied that it was not the intention of the accused to contravene the control order or to defy the authorities. He therefore deserves acquittal. I therefore acquit him. See 258 C.R.P.C.

Sd/- H. D. Divalia.

J.M.C.C. Bgn. City.
15-1-55.

Confidential.
No. CIS 1553/72181 Q.

Public Works Department,
Secretariat, Foreshore Road,
Bombay, 13th June 1955.

MEMORANDUM

Subject:- Prosecution case against Messrs. National Commercial Corporation, Belgaum.

The undersigned presents compliments to the Controller of Iron and Steel and Cement, Bombay and with reference to his confidential letter No. Bom/[illegible]-447/188-L dated the 2nd May 1955, on the above subject, is directed to state that perusal of the judgment in question shows that the accused had applied on 27th August 1948 and 2nd December 1948 for permission to use the material remaining with him for cow shed and for motor body building but that these letters were never replied to. It is stated in the Judgment that this fact was admitted by the complainant. The Controller is requested to state why no action was taken by him on the applications of the accused in time.

2. Copy of the judgment ~~reviewed~~ received with the letter under reply is returned herewith which should be returned with the reply.

By order and in the name of the Governor of Bombay,

13/6

Assistant Secretary to the Government of Bombay,
Public Works Department.

D.A.: Copy of the Judgment.

2 RRK 13.6.55.

13/6/55

Confidential

No. Bom/LA. 447/294-L 141

Office of the
Controller of Iron & Steel & Cement,
Queens Barracks Nos. 3 & 4, Foreshore Rd.,
B'bay (1) 16th July, 1955.

To

Shri K.L. Mehta, M.Com.
The Assistant Secretary to Government,
Public Works Department, Bombay.

Sub.:- Prosecution against Messrs. National Commercial Corporation, Belgaum.

With reference to Government's Confidential Memo. No. CIS-1553/72181-A, dated the 13th June, 1955, on the above subject, I am to state that the letters of party dated 27th August, 1948 and 2nd December, 1948 were replied by this office. In this connection, the attention of Government is invited to this office U.O.R.No. 2663-S dated the 17th April, 1952 and letter No. BLG/BS-1211/3437-S, dated the 8th May, 1952 wherein detailed report was submitted to Government in Labour and Housing Department, copies where of are enclosed for ready reference.

The case was also personally discussed by the then Rationing Officer(Iron & Steel) Shri. J.N.Mullan with the Secretary, Labour and Housing Department and his note dated 28.5.1952 is as under:-

" 1. Discussed with the Secretary, Labour and Housing Department.

2. He went through the case papers and was convinced that there was no delay by our office.

3. Further Government orders may now be awaited.

The attention is also invited to Government, Labour and Housing Department's orders vide endorsement No. 601/48/18080-E

P.T.O.

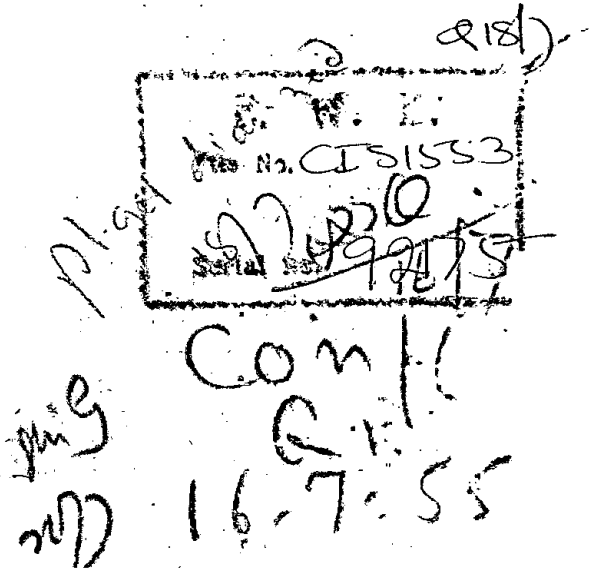
dated the 10th June, 1952, directing that the papers should be returned to the District Superintendent of Police, Belgaum for taking necessary further action. It will please be seen that the entire aspects of the case were considered before launching prosecution.

Copy of judgement is returned herewith a s desired by Government.

Controller of Iron & Steel & Cement.

Encl.:- 3

NVP/157



105

Below U.O.R. dated the 30th November, 1951 from the Labour and Housing Department, Bombay to the Rationing Officer(Iron & Steel), Bombay regarding the release of Iron and Steel in favour of M/s. National Commercial Corporation, Belgaum.

Office of the
Rationing Officer (Iron & Steel)

Returned with compliments with the following remarks.

As already stated in this office letter No. BOM/LA-447/4482-E dated the 5th November, 1951, addressed to Government by this office, Shri. Gogate Prop. National Commercial Corporation, Belgaum committed an offence under Clause 8 of Iron & Steel (Control of Production & Distribution) Order, 1941, in view of the facts that Shri. Gogate intentionally carried out unauthorised works inspite of the letter No. 19/1059 of 1947 dated the 1st Sept., 1947 (copy enclosed) asking him not to construct any unauthorised work other than the one mentioned in the permit without obtaining prior permission from this office.

As regards various points raised by Shri. Gogte, the undersigned offers his remarks as under:-

1. It is true that Shri. Gogate had submitted his application addressed to this office in the office of the Overseer, I/c Iron & Steel Sub-Office, Belgaum on the 27th Aug., 1948, but the same was sent by the Overseer to the Supervisor I/c Iron & Steel Sub-Office, Poona who in turn asked the Overseer, Belgaum to get details such as quantity of iron and steel acquired, utilised and balance lying with the party. The Overseer stated inquiry as required by the Supervisor, Poona but Shri. Gogate could not be contacted by him, as he was out of station and the firm in their letter dated the 18th Sept., 1948 inf

the Overseer, Belgaum, stating that Shri. Gogate is out of station.

It may be stated that Shri. Gogate being a literate man, though he had applied for a cow shed on the 27th Aug., 1948, should not have carried out unauthorised work especially when the Supervisor, Poona had asked him not to carry out any unauthorised work in Sept., 1947. It will, therefore, please be seen that the construction work of the cow shed was carried out intentionally disregarding the letter fro the Supervisor, Poona.

As regards his letter dated the 2nd Dec., 1948, it may be added that the Supervisor, Poona in reply to his letter dated 2nd Dec., 1948 asked Shri. Gogate under his letter No. 19/6844 dated the 23rd Dec., 1948 to supply the plan of the garrage as sanctioned by this office together with a copy of the plan as constructed by him with least possibile delay, showing also original site, and the one where it is actually constructed, now. Further he was requested to state whether the final approval was obtained from this office for unauthorised work and if so, he was aksed to send a copy of the letter, authorising him to do the work. It was made clear in that letter that the work carried out by Shri. Gogate was in contravention of the conditions of the permits. Shri. Gogate was informed that construction of a cow shed was also an unauthorised one and was asked to furnish a plan of the cow shed showing therein C.G.I.Sheets, angles, flat iron used for the work. In addition to the above, he was asked to furnish a copy of the letter authorising him to transfer 25 Rft. of the angles and also requested not to use or land or sell any material for the body building of the trucks or any other work without prio permission from this office. Also he was asked to

lodge a complaint with the Police Department for the materials that had been stolen.

2. No earlier reply could be given to Shri. Gogate's letters dated 27.8.48 and 2.12.48, as it would be seen from the remarks offered in (1) that the inquiry in the matter was going on in this office.

3. Shri. Gogate's further assertion that he had submitted plans as required, and as such was inclined to think that the plans will be approved, is baseless. Merely submitting plans to this office, or to the Sub-Office does not mean that the plan will necessarily be approved without detailed investigation.

4. Regarding the mistake about the balance quantity of 9 Nos. of sheets, it may be stated that Shri. Gogate was asked to deliver 9 Nos. of sheets to Shri. V.V.Deshpande of Belgaum, as his demand itself was 9 Nos. only.

5. As already stated, Shri. Gogate should have thought over the matter before using the materials in an unauthorised manner, as he was informed in September 1947 only that the materials should not be disposed of or used for any other purposes; and as such he ought to have taken written permission from this office to use the materials for an unauthorised work. Though the work was urgent and bonafide, as stated by Shri. Gogate, it was necessary to obtain a proper account etc. from the party before giving final sanction.

6. Shri. Gogate's contention that the work was carried out after applying to the ~~xxxxx~~ proper authority and after the verbal assurance that the ~~xxkxx~~ plans would be sanctioned has no grounds of justification, especially when he was asked by the Supervisor, Poona not to construct any other work, in his letter in Sept., 1947 and 23rd Dec., 1948.

Under the circumstances, the undersigned thinks that there is no sufficient justification in the case and as such cannot withdraw

P.T.O.

CONFIDENTIAL

No. ELG/BS-1211/3437-S

Office of the
Rationing Officer (Iron & Steel),
Military Hutments, Esplande Maidan,
Fort, Bombay (1) 8th May, 1952.

To

The Secretary to the Government of Bombay,
Labour and Housing Department,
BOMBAY.

Sub.:- Release of Iron and Steel to M/s.
National Commercial Corporation, Belgaum.

Ref.:- Government Memorandum No. 601/48/14641-E
dated the 26th April, 1952.

Shri. Nanjappa, the then Supervisor, I/c Iron and Steel Sub-Office, Poona, being no longer in this organisation, Shri. Gogate's statement to the effect that he had assured him orally to send the written permission immediately, cannot be confirmed now. In this connection, it may be stated that Shri. Gogate's statement made to Government in his letter dated the 14th September, 1951, cannot be relied upon, as the then Supervisor, In charge Iron & Steel Sub-Office, Poona, (Shri. Nanjappa) had informed Messrs. National Commercial Corporation Belgaum under his letter No. 19/6844 dated the 23rd December, 1948, about the unauthorised work and pointed out various descripencies which had occured furing the course of the unauthorised work. This clearly shows that there was no oral assurance from the then Supervisor during his visit to Belgaum onthe 12th December, 1948.

From the letter No. ISC/9/94/49 dated the 1st Jan., 1949, addressed by the Manager of the firm to the Supervisor, I/c Iron & Steel Sub-Office, Poona, a copy of which is enclosed herewith, for favour of refusal of Government, it will please be seen that the construction work of the proposed cow-shed has been carried out by Shri. Gogate, not on oral assurance from the then Supervisor, I/c Iron & Steel Sub-Office, Poona , but merely in anticipation of sanction from this office. Shri. Gogate's assertion to the effect that he carried out the construction work of a cow-shed cannot therefore be justified.

As regards paras No. 3 & 4, of the Government Memorandum under reply, it may be stated that every applicant who applies to to this office for acquiring iron and steel, insists upon considering his demand immediately as his application appears to him genuine and urgent and if this office were to take such statements into consideration every application would have to be given a special priority which would just not be possible. This office considers only deserving cases and non-deserving cases are rejected. As regards sanctioning urgent cases within a fortnight or a month, there is no such practice nor any time limit laid down. Releases on priority basis are only done after obtaining Government approval and all other cases are kept in usual xxxx serial and met with in turn. In this connection, it may be stated that even if Shri. Gogate had applied to this office directly, no permit for acquiring iron and steel or permission would have been given to him to utilise the materials for a cow-shed without detailed investigation, as the quantity involved was 150 sheets and necessitated careful consideration. It may also please be noted that even had Shri. Gogate applied to this office for a fresh permit for a cow-shed, the same would have been met with in the order of priority in which applications are received in this office. As necessary inquiry was started by the Supervisor, I/c Iron & Steel Sub-Office, Poona, the question of keeping the papers on record does not arise. The practice and function of the Sub-Office is to give an interim reply to the permitholders not to use the materials released, for unauthorised works, so as to avoid further complications and then to start detailed inquiries into the matter with regards to acquisition of the materials, quantity used etc. The then Supervisor, Poona and his predecessor also followed the above practice in this case also, which is found to be in order.

P.T.O.

It is true that there occured delay in disposing of Shri. Gogate's case, but is mainly due to the non-co-operative attitude of the firm in supplying details as requested by the Sub-Offices.

As regards para No. 5 of the Memo. it is true that Shri. Gogate had submitted a letter No. IS/G/NCC/7/73/48 dated the 2nd December 1948, to use angles for motor body building, to the Overseer, I/c Iron & Steel Sub-Office, Belgaum, but the then Supervisor, Poona had informed him clearly in his letter No. 19/6844 of 48 dated the 23rd December 1948 that he should not use the materials for motor body building without written permission from this office.

Besides, the undersigned desires to bring to the notice of Government, about Shri. Gogate's false representation made by him in his letter dated the 14thSeptember, 1951, addressed to Government. Therein he had now also asserted that the then Supervisor I/c Iron &Steel Sub-Office, Poona (Shri. Najappa) Paid a visit to Belgaum on 12th December, 1948, where he is supposed to have been given oral assurance to utilise the materials for a cow-shed. But from the letter No. ISC/NCC/7/74/48 dated the 2nd December, 1948, addressed to this office and submitted through the Supervisor, Incharge Iron & Steel Sub-Office, Poona, the Manager had stated under para P.S. that the position was explained to him on the 12th December, 1948, which cannot be true as the above letter was pre-dated i.e. 2.12.48, and the visit was post-dated, and, therefore, Shri. Gogate's assertion cannot be accepted.

Sd/- J. N. Mullan.
Rationing Officer (Iron & Steel).

D.A.: Copy.

155 ~~117~~

Conft:-

NO. CDS/1553/92175-B

R.H.< B.C.D
Sachivalaya
Bbay NO. 1,
Aug. 55

Memo:-

Subject:- Prosecution against M/s. National Commercial Corporation, Belgaum.

The U.S.P.C. to the C. of J <S <C, Bbay < is directed to return herewith the copy of Judgement accompanying his letter NO. BOM/LA/ 447-294-L, dt. the 16th July 1955 - p. 103 ante

By order etc

A.S. etc

D.A. - Copy of Judgement set up below.

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CONFIDENTIAL.

No.CIS/1553/92175-Q.
Rehabilitation, Housing and
Backward Classes Department,
Sachivalaya, Foreshore Road,
Bombay, August 1955.
09 AUG 1955

Subject:-Prosecution against Messrs.National Commercial Corporation, Belgaum.

MEMORANDUM.

The undersigned presents compliments to the Controller of Iron and Steel and Cement, Bombay, and is directed to return herewith the copy of Judgement accompanying his letter No.BOM/LA/447-294-L, dated the 16th July 1955.

By order and in the name of the Governor of Bombay,

(N.M.JANI),
Assistant Secretary to the Government of Bombay,
Rehabilitation, Housing and
Backward Classes Department.

BLITA... BACKWARD CL...
ISSUED
Date... 09 AUG 1955

J/6.8.